



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/25/06

AGENDA ITEM 8

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Site Plan Review No. PL-2006-0003 – Appeal of Planning Commission Approval to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums – Dr. Dharam Salwan (Applicant/Owner) – The Property is Located at 22605 Second Street, at the Corner of B Street

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution denying the appeal and supporting the Planning Commission's approval of the project.

DISCUSSION:

In 2001, the applicant proposed a two-story, 9,700-square-foot commercial project at the southwest corner of Second and B Streets. The Planning Commission voted to continue the project to allow time for the preparation of a parking study.

In November 2002, the applicant submitted a new application for an 8,812-square-foot building with 2,500 square feet of retail space on the ground floor and three residential condominiums on the second floor. A parking study documenting the availability of parking in the vicinity of the project was submitted with that application. In December 2003, the Planning Commission approved the project. The adjacent First United Methodist Church and another neighboring property owner objected to the project citing existing parking problems in the area. The church also opposed the project because access was not provided to its rear gate, the proposed building was too large, and its signage would be blocked. The church appealed the Commission's decision to the City Council, and the Council denied the project in January 2004. The Council noted that the proposed building would be too large for the site and it suggested adding more on-site parking.

In May 2004, the owner submitted a new application for a 6,600-square-foot building with 2,100 square feet of retail space on the ground floor and two residential condominiums on the second floor. In September 2004, the Planning Commission conditionally approved the project. The applicant had proposed an off-site parking lot at 22645 Second Street, which the Commission denied. Although an appeal was filed, it was submitted after the deadline. As a result, the project as approved by the Planning Commission took effect. Due to family matters requiring the applicant's attention in 2005, he did not file an extension of time and the approved plans expired on September 20, 2005.

A new application was submitted on January 5, 2006, and, on April 13, 2006, the Planning Commission approved the same project it approved in 2004. On April 21, 2006, the First United Methodist Church filed an appeal of the Commission's action.

The architectural design of the building would be of a contemporary style with simple forms and flat surfaces emphasized for their modernity. The frieze along the top of the first story and the entablature along the top of the building would display a pronounced horizontality that helps this building fit onto its long narrow site. The window and door pattern would add to the horizontal emphasis. Periodic squared columns would provide vertical accents that separate the storefronts and visually break the commercial and residential functions of the building at the first floor.

The storefronts would have clean lines with inset double doors and display windows on either side. A two-foot-high bulkhead would form a base for the storefronts and the building as a whole. Cantilevered structural awnings at each storefront would provide weather protection for customers. The horizontal frieze above the storefronts would provide a uniform location for business signage.

A vertical tower element at the corner of B and Second Streets would create a landmark feature at this important downtown intersection. A low pyramidal roof would cap it and a metal awning would fan out over the corner storefront. This storefront entry would face the intersection, emphasizing the landmark quality of the tower. The tower would complement the entry feature of the commercial building at the northwest corner of the intersection. Staff recommends that awnings be installed over all the storefront windows to continue the retail presence around the corner from B Street.

Each residential condominium would have a tandem two-car garage, a private entry from the rear yard and a balcony over-looking the rear yard. The project exceeds the usable open space requirement. The proposed building would cover 34 percent of the lot and the remainder would be used for parking and open space.

In addition to individual garages serving the residential units there would be five parking spaces provided for the commercial spaces. The project would require two parking stalls in addition to those proposed on the site. The applicant's proposal included the construction of a three-space parking lot at 22645 Second Street. The Planning Commission denied an Administrative Use Permit and Variance necessary for the remote parking lot and required the applicant to pay in-lieu fees for two parking spaces. The Commission stated that the property proposed for parking could be better utilized in the future as the surrounding properties are redeveloped. The applicant did not appeal that denial.

The City's Off-Street Parking Regulations provide for satisfying the parking requirement with the payment of in-lieu fees when adequate municipal parking is available or will be provided within a reasonable walking distance of the development. In 2003, the applicant provided a parking study by DKS Associates that documents that parking is available throughout the day within walking distance (200 feet) of the project site. In Municipal Parking Lot Number 4 alone, there are 50 spaces available during peak use times.

The Planning Commission voted (5-1-0) to approve the project. The dissenting Commissioner stated that the proposed building would be too large, that the architecture would not be compatible with the surrounding buildings and that the location has the potential for a better project.

Appeal

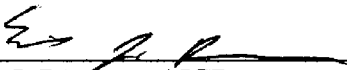
Randal F. Smith, pastor of the adjacent First United Methodist Church, appealed the Planning Commission's approval. In his appeal letter (Exhibit B), Pastor Smith indicates there is inadequate downtown parking, that vehicular access to the rear gate of the church would be discontinued, that the project is too large for the site, and that the project should not have been approved over the objections of those who live and work nearby. Pastor Smith is asking for one year to work with the property owner to try to design a better project.

As indicated above, a parking study prepared by a reputable traffic engineering firm indicates that there is sufficient parking nearby. This study was reviewed by staff and found to be satisfactory.


Although the church has found it convenient to use their rear gate that opens onto subject property, there is no recorded or prescribed easement, which provides that access by right. Moreover, the church has access to its rear yard from B Street via a courtyard between the church and its annex building. Also, the church abuts another private parking lot along its westerly boundary where arrangements might be made for access.

With regard to the size of the project in relation to the property, the Zoning Ordinance allows total coverage of parcels in the Central City District in order to help define street continuity, animate the street with entrances and product displays, and to allow associated parking to be more centrally located rather than in parking lots associated with individual businesses in the downtown area. Finally, in response to the church's request for more time to work with the applicant to modify the design of the project, staff feels that there has been ample time over the last five years since the church has been aware of the project and that additional time is not warranted. Since the original application in 2001, the applicant has made significant revisions to the project in response to neighbor and City concerns.

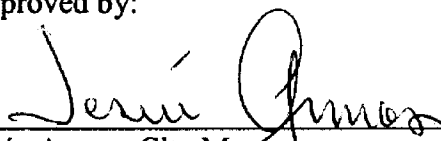
Prepared by:

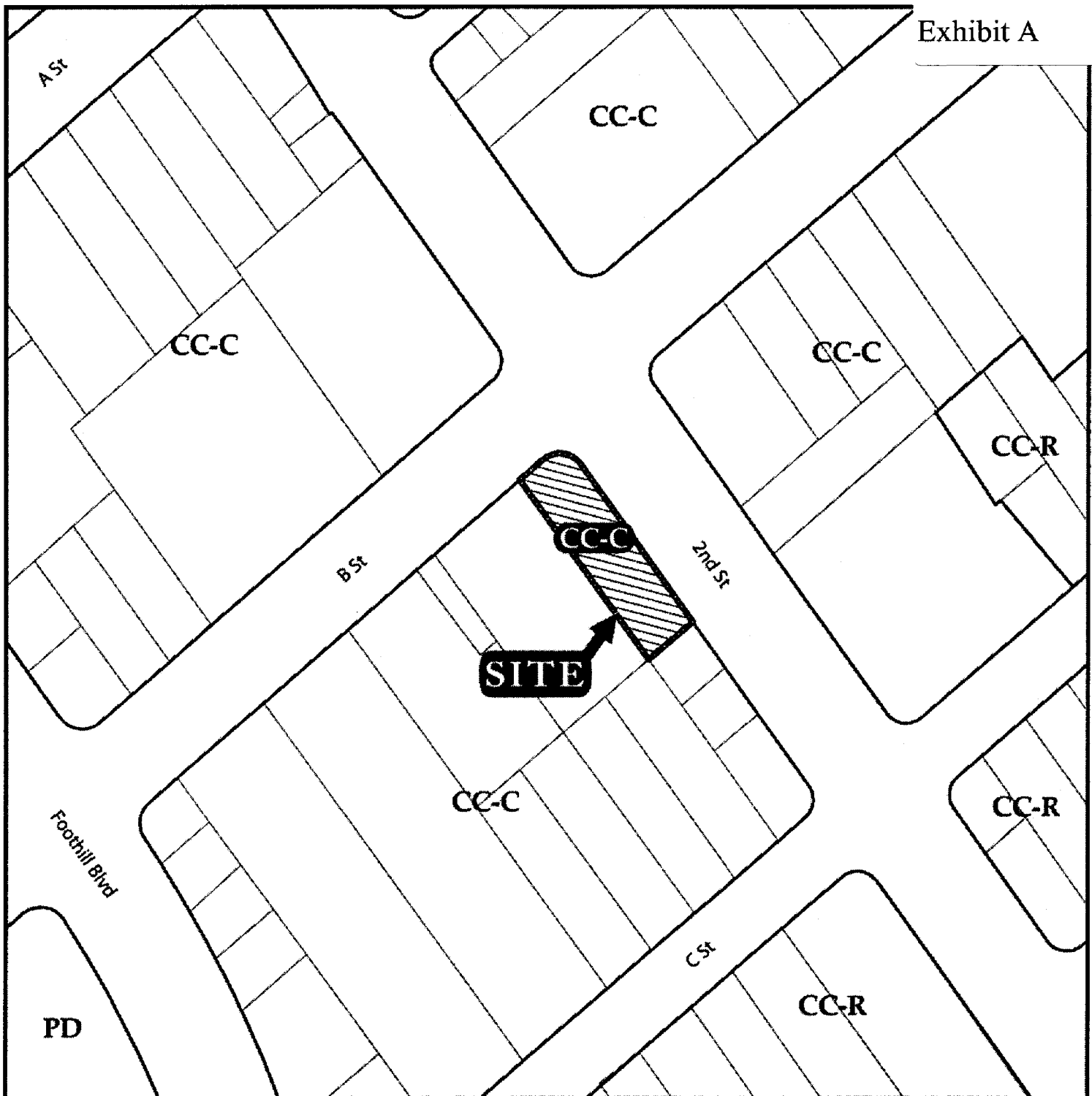

Erik J. Pearson, AICP
Associate Planner

Recommended by:


Sylvia Ehrental
Director of Community and Economic Development

Approved by:


Jesús Armas, City Manager



Area & Zoning Map

PL-2006-0003 SPR

Address: 22605 2nd Street

Applicant: Dharam Salwan

Owner: Dharam Salwan

Zoning Classifications

CENTRAL CITY

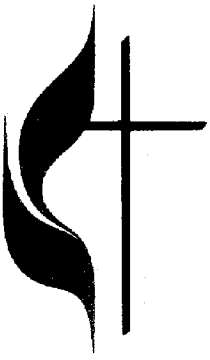
CC-C Central City - Commercial

CC-R Central City - Residential

OTHER

PD Planned Development





First United Methodist Church

1183 B STREET • HAYWARD, CALIFORNIA 94541

TELEPHONE (510) 581-2266

April 21, 2006

Richard E. Patenaude, AICP
City Planner
City of Hayward
777 "B" Street
Hayward, CA 94541-5007

RECEIVED

APR 21 2006

PLANNING DIVISION

Dear Mr. Patenaude:

On April 13, 2006, the Hayward Planning Commission approved on a vote of 5 to 1 the following item:

Site Plan Review No. PL-2006-0003; Administrative Use Permit No. PL-2006-0097 & Variance No. PL-2006-0098 - Request to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums and a Remote Parking Lot Requiring Variances – The Property is Located at 22605 Second Street, at the corner of B Street, with the Parking Lot at 22645 Second Street.

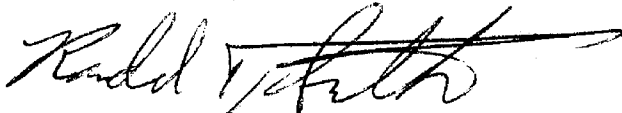
We are formally appealing this decision to the Hayward City Council on the following grounds:

1. While the plan meets the density requirements for a Central City-Commercial (CC-C) Zoning District, we question the wisdom of building such a large structure on a narrow lot. The residential and retail space provided would be impractical, and likely unrentable. We are also concerned about potential incompatibility of uses between the retail space and the Church. We believe that there is a more practical way to develop this site that would benefit not only the church and the immediate neighborhood, but also the entire community of Hayward. We propose that the City Council grant us a period of one (1) year during which the church, the owner, the City, other neighbors, and several community agencies can develop a new proposal that will better serve the community, not add to congestion in the upper downtown area, and more appropriately make use of the size and dimensions of the lot in question.
2. The applicant has offered to allow pedestrian access through the rear gate. Pedestrian access through the rear gate is not necessary as there is other pedestrian access to the rear of the church. What we continue to consistently request is vehicular access, which is necessary for maintenance contractors, the church custodian, FESCO volunteers, and others; and which we have had for over forty (40) years. Any proposal developed as suggested in item 1 above would include this access.

3. Prior to being purchased by the current owner, the lot was used for parking, both by us and by others in the neighborhood. We continue to see parking lots in the City covered over with buildings, decreasing the number of total available parking spaces. Parking proposed for the development is inadequate. The payment of in-lieu fees will not in and of itself alleviate this problem. Persons wishing to do patronize the retail businesses in the proposed building will be much more likely to trespass in the private lot across "B" Street. The number of spaces for street parking would not be enough to support most kinds of businesses. The city lot on "B" Street is a half block away and not visible from the site. Any proposal developed as suggested in item 1 above would provide enough parking without the need for the payment of in-lieu fees.
4. In the staff report presented at the Planning Commission hearing, all of the project's nearest neighbors protested its approval, and one of the Planning Commissioners raised serious concerns about the long-term wisdom of building a project of this sort on the lot in question. Does the City really want to encourage construction of a particular proposal over the objections of those who live and work nearby?

We look forward to an opportunity to address the City Council on this matter.

In Christ's Service,

A handwritten signature in dark ink, appearing to read "Randal F. Smith", with a long, sweeping horizontal stroke extending to the right.

Rev. Randal F. Smith, Pastor

Erik Pearson

From: RSmith2678@aol.com
Sent: Wednesday, April 12, 2006 11:48 PM
To: Angelina Reyes; Erik Pearson; RSmith2678@aol.com; hallidahl@msn.com; hallidahl@sbcglobal.net
Subject: Written Testimony for Planning Commission

Testimony Submitted to the Hayward Planning Commission, Meeting in Regular Session at the Hayward City Council Chambers, Thursday, April 13, 2006, 7:30 P.M.

Regarding: Public Hearing Agenda Item Number 1: Site Plan Review No. PL-2006-0003, Administrative Use Permit No. PL-2006-0097 & Variance No. PL-2006-0098 - Dr. Dharam Salwan (Applicant/Owner).

Submitted By: Rev. Randy Smith, 1183 "B" St., Hayward, CA 94541 (office); 22559 Fifth St., Hayward, CA 94541 (home).

I am grateful to the Planning Commission for the opportunity to address this issue. I also thank Erik Pearson of the Planning Department for suggesting the possibility of written testimony. Tonight finds us in the middle of Holy Week on the Christian Calendar; tonight being Maundy Thursday, when we commemorate Christ's Last Supper with his closest disciples before his arrest and trial. As I am involved in two worship services at the church this evening, I will be unavailable to comment in person at the hearing, and so am submitting this testimony in writing.

While we at First United Methodist Church appreciate the way in which this project has been scaled down in size through several re-submissions to the Planning Department, we continue to oppose the development for the reasons stated in my letter of January 23, 2006. Issues related to parking, access, and safety still exist, as well as those of scale and the appropriateness of this type of project on the current lot.

We appreciate the staff report's suggestion that vehicular access to our rear gate could be accomplished through the south or the west. Doing so would decrease the level of security provided by our fence. It would also impair our ability to use our playground and courtyard areas for the types of community and congregational functions that regularly occur in those areas.

While it would certainly be possible to move our signage to the north side of our building, it would seriously decrease our visibility, and therefore our ability to be of service to the Hayward community. If necessary, we would certainly be interested in the possibility of a small business loan to pay for the cost of the changed signage, as suggested by one of the Commission members at the September 2004 hearing on an earlier proposal for this site.

We strongly support the removal of any potential underground equipment as a condition of approval of this project.

Despite the findings of the 2003 parking study, the daily experience of those who live and work in the upper downtown area is that parking is already inadequate. Municipal Lot No. 4 has had to absorb not only the two spaces that the church was previously renting from the current owner, but the 25-30 spaces that were available in the lot prior to its purchase by the current owner. Because of other development projects, we have seen a steady decline in the number of parking spaces available in this section of downtown Hayward. Any retail establishment located in the current project will add to the number of spaces needed. While it was suggested at the September 2004 Planning Commission hearing that the retail space could be used by a low-traffic business such as an insurance agency, there is no guarantee that it will not, instead, house a high-traffic use such as a bookstore, as suggested in the architect's drawings.

Parking is not simply a matter of providing a certain number of spaces. Municipal Lot No. 4 clearly fails what I would call the "ease of use" test. A young woman who was pregnant with twins once begged me to be able to park in the lot planned for the proposed development, as walking the distance from Lot No. 4 would prove to be

very difficult for her. I gently explained that I could not help her with her request, but that her only other option would be to find parking on the street in front of the church. As noted in the e-mail from Evelyn Burden of S.M. Copiers, street parking in the area is very limited, often congested, and necessary for their customers.

In addition, it is human nature to want to park close to the entrance of facilities they may wish to enter. When using Lot No. 4, it is frequently necessary to park at the far south end of the lot, close to "C" Street. While some are simply unwilling to walk the full length of the lot, many persons, such as the pregnant woman mentioned above, or persons who are elderly or infirm, find it difficult, even impossible, to do so when they are visiting buildings that front onto "B" Street. I and others who use the lot regularly have begun to have concerns about the safety of the south end of the lot at night.

In January of 2004 the City Council denied an earlier version of this project as being too large for the proposed site. One Council member stated that it was a nice project, "but not on this site." While the project has been scaled back somewhat from that earlier proposal, we believe that the same objection should apply. The property is simply not of the proper dimensions to support a viable building project such as the one proposed. Note that it is the viability of the project, and not its legality or its architectural possibility that are at issue. Projects should be developed only if they make sense for the neighborhood and have the probability of being adequately used.

Another Council member at that January 2004 hearing suggested that there might be potential conflict between residential uses on the second floor of the proposed project and the activities of the church. While we in the church do our best to be good neighbors, we also understand that the proximity of residential units within 50 feet of the church social hall could create noise issues in either direction.

At the September 2004 Planning Commission hearing, one of the commissioners suggested that the church should be thankful for the project as it would enhance our neighborhood. We disagree. This project would hamper our ability to engage in some of our current ministries and create more congestion in the upper downtown area. It is clear from the attachments to the staff report that all of the neighboring property and business owners located nearest to this proposed development are against it. We who live and work in the area on a daily basis are well aware of the negative impact it would have.

It occurs to me that some kind of development on the lot in question might be possible. We would be willing to work with the owner, the other neighbors, the City, and other community agencies to determine what that development would be. We would want it to be something that would be of benefit to the church and the community at large, enhance the neighborhood without additional congestion, and give the upper downtown area an "entryway" as suggested in the City's General Plan. We ask that the Planning Commission deny this application so that all of us can work together toward something better.

Respectfully Submitted,

Rev. Randy Smith
Pastor
First United Methodist Church



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 13, 2006, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chair Thnay followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, Sacks, Bogue, Peixoto, Zermefio
CHAIRPERSON: Thnay
Absent: COMMISSIONER: McKillop

Staff Members Present: Conneely, Koonze, Patenaude, Pearson, Lens

General Public Present: Approximately 10

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. Site Plan Review No. PL-2006-0003, Administrative Use Permit No. PL-2006-0097 & Variance No. PL-2006-0098 – Dr. Dharam Salwan (Applicant/Owner) - Request to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums and a Remote Parking Lot Requiring Variances – The Property is Located at 22605 Second Street, at the corner of B Street, with the Parking Lot at 22645 Second Street

Staff report submitted by Associate Planner Pearson, dated April 13, 2006, was filed.

Associate Planner Pearson presented the staff report and responded to questions from the Commissioners.

Chair Thnay opened the public hearing at 7:42 p.m.

Architect for the developer, Mr. Sanjiv Bhandari, indicated that Dr. Salwan could not attend the meeting and therefore spoke on his behalf. He stated that the proposed remote parking lot is ideal for the site and the neighbors and added that Dr. Salwan is willing to comply with current regulations. Mr. Bhandari mentioned that once properties are acquired and built on C Street and Second Street, the temporary parking lot can become a permanent parking lot. As an alternative to the vacant lot, he mentioned that the developer can build a commercial building, two-story building, or single home. He requested for a condition of approval stating that the vacant lot be allowed as a remote temporary parking lot for employees, and as the adjoining parcels are being developed, the

developer will be willing to pay in-lieu fees. He added that the in-lieu-fee is reasonable for the project when compared to other cities. He clarified questions from Commissioners.

In response to Commissioner Lavelle's inquiry about the types of businesses that the applicant envisions in the retail part of the building, Mr. Bhandari indicated that the ideal proprietor would be willing to live above the business. In response to the color of the outside of the building, he added that they would be earth tones.

In regards to Commissioner Bogue's inquiry regarding a plan that could allow vehicle traffic to cross over the lot into the property behind the church, Mr. Bhandari said that the neighbors would not allow such a plan.

Chair Thnay inquired about the potential future for parking circulation and making the remote parking into two spaces in order to conform to the guidelines. Acting Planning Manager Patenaude responded that he did not have the opportunity to review the plan that the architect presented and stated that it would not be on the City's best interest to extend the street frontage with more parking. He added that because of the potential of the lot, it would be better to wait for more developments to occur in the area.

In response to Commissioner Zermefio's inquiry regarding in-lieu parking fees compared with other cities, Acting Planner Manager Patenaude indicated that according to the traffic engineer, the City is not out of line with other cities.

Ms. Lupe Compean spoke against the proposed project because it would add more nuisances to the parking lot at her property across the street from the proposed project. Commissioner Zermefio asked Ms. Compean about signage that prohibits parking at her property if they are not patrons of her business. Ms. Compean responded that the signage does not serve a purpose as people are still violating the sign.

Chair Thnay closed the public hearing at 8:07 p.m.

Commissioner Zermefio requested that the piece of land proposed as a parking lot be checked for overgrown grass and weeds. He moved the item as per staff's recommendation, stating lack of support for the remote parking structure as it would not be ideal for the area. He added that Ms. Compeon is protected by the signage at her parking lot and should ask for enforcement of the sign when violations occur.

Commissioner Sacks indicated support for the motion and echoed Planning Manager Patenaude that the remote parking would create a precedent for more parking along the street and the future build ability in the area.

Commissioner Lavelle mentioned support for the motion. She mentioned that the corner lot looks unattractive and therefore favored the proposed building. She also suggested walking as opposed to parking where is restricted. She requested that the developer help to accommodate the church about its signage, to be mindful of the type of business that is proposed, and consider the church's activities in order to create better relations within the neighborhood.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
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Commissioner Bogue supported the motion indicating that the building is appropriately sized for the property. He showed lack of support for the remote parking because it would be inappropriate to build against an existing single family home. He asked the developer when drafting different parking options, to work out a way to allow vehicle access to the back of the church when necessary.

Commissioner Peixoto indicated that since the first time the project was presented there have been a number of modifications with some improvement and that there has been some compromise by the City and the developer. However, he added that the project does not present with the enthusiasm and potential that the proposed place renders with the presence and architectural theme that exists in the area. He added that the current proposal is too much building for a small parcel and therefore he did not support the motion.

Commissioner Sacks indicated that the developer has made accommodations according to the requests presented by staff and the Commissioners.

Chair Thnay indicated that the survey data presents that the City provides adequate parking. He mentioned concurrence with the proposed project in spite of the difficulty of the site and suggested to mirror the architecture and design on the opposite site in order to enhance the entrance.

Commissioner Zermefio moved, seconded by Commissioner Sacks, and approved with Commissioner McKillop absent and Commissioner Peixoto voting no, to find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15332, *In-Fill Development Projects* and 15305, *Minor Alterations in Land Use Limitations*; and approve the site plan review application, subject to the findings and conditions; and deny the administrative use permit variance application for the remote parking lot, subject to the findings.

2. **Permit No. PL-2005-0712 – Mathew Zaheri (Applicant/Owner) – Request to Operate a New and Used Auto Sales Lot on an Existing Car Storage Lot and Install a Temporary 750-Square-Foot Modular Office Building for a Period of Five Years – The Property is Located at 24874 Mission Boulevard at Carlos Bee Boulevard**

Staff report submitted by Assistant Planner Koonze, dated April 13, 2006, was filed.

Assistant Planner Koonze presented the staff report indicating modification to Condition of Approval No. 7 that prior to connection of utilities assess the lighting on the site and if needed, the light poles will be replaced and deletion of Condition of Approval No. 8. He also mentioned that he received a call from a Del Mar Avenue resident opposing the proposed application indicating that an additional dealership was not needed.

Commissioner Zermefio inquired about a PG&E transformer not being covered because the material was damaged and if this should be covered under a condition of approval. Assistant



CITY OF HAYWARD AGENDA REPORT

Meeting Date 04/13/06
Agenda Item 1

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: **Site Plan Review No. PL-2006-0003, Administrative Use Permit No. PL-2006-0097 & Variance No. PL-2006-0098** – Request to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums and a Remote Parking Lot Requiring Variances – Dr. Dharam Salwan (Applicant/Owner)

The property is located at 22605 Second Street, at the corner of B Street, with the parking lot at 22645 Second Street, in a Central City-Commercial (CC-C) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15332, *In-Fill Development Projects* and 15305, *Minor Alterations in Land Use Limitations*; and
2. Approve the site plan review application, subject to the attached findings and conditions; and
3. Deny the administrative use permit and variance application for the remote parking lot, subject to the attached findings.

BACKGROUND

On July 26, 2001, the Planning Commission reviewed a project for this site that included a 9,700-square-foot building with retail space on the ground floor and office space on the second floor. The project was required to have 31 parking spaces and only 8 were proposed on the site. The applicant had proposed making payments in-lieu of providing 23 spaces. The Planning Commission and members of the public raised concerns that there would not be enough parking to serve the building. The Commission voted to continue the hearing to allow time for a parking study to be completed. The parking study was not submitted in a timely manner and the application was closed on July 16, 2002.

In November 2002, the applicant submitted a new application for an 8,812-square-foot building with 2,500 square feet of retail space on the ground floor and three condominiums on the second floor, which required a total of 13 parking spaces. A parking study documenting the availability

of parking in the vicinity of the project was submitted with that application. In December 2003, the Planning Commission approved the project requiring the applicant to make payments in-lieu of providing 5 of the 13 required parking spaces. The adjacent First United Methodist Church and another neighboring property owner objected to the project citing existing parking problems in the area. The church also opposed the project because access was not provided to their rear gate, the proposed building was too large and their signage would be blocked. The church appealed the Commission's decision to the City Council and it denied the project in January 2004. The Council noted that the building proposed was too large for the site and suggested adding more parking.

On May 25, 2004, the owner submitted a new application requesting to build a 6,600 square foot building with 2,100 square feet of retail space on the ground floor and two condominiums on the second floor. In September 2004, the Planning Commission conditionally approved the project. The project would have been required to provide 10 parking spaces with 7 spaces open for the commercial use, however, the plans showed only 5 open parking spaces. Therefore, the payment of in-lieu parking fees for two parking spaces was required. The applicant had proposed an off-site parking lot at 22645 Second Street, which the Commission denied. Due to family matters requiring the applicant's attention in 2005, he did not file an extension application and the approved plans expired on September 20, 2005.

DISCUSSION

The current proposal is the same project the Planning Commission approved in September 2004. The 2,100-square-foot commercial space on the ground floor may be used for either one or two businesses. Although the plans label the commercial space as *retail*, the CC-C zoning would also allow office or personal service uses. Each residential condominium is approximately 1,600 square feet and has three bedrooms, two full bathrooms and separate living and family rooms. Each condominium would have a private entry from the 2,067 square-foot rear yard and a 64 square-foot balcony overlooking the rear yard. The rear yard would also be accessible from a door on B Street. Staff is recommending this door be a decorative door to differentiate it from the metal and glass storefront doors. Each unit would have direct access from a garage. An exterior closet on the southwest corner of the building would provide for the storage of trash and recycling bins.

The building is designed in a contemporary architectural style. Large windows along Second Street and B Street highlight the retail spaces. A tower element would compliment the tall entry feature on the commercial building on the northwest corner of the street intersection. Columns provide a prominent vertical element on the building. To add some relief to the relatively straight cornice, staff is recommending a decorative cap be added to the tops of the columns. A horizontal band between floors provides for tenant wall signs. Both commercial entrances are recessed to create covered entries. In staff's opinion, awnings over the storefront windows would help to carry the retail presence from B Street around the corner. In addition, using projecting or "blade" signs would make it more obvious to pedestrians on B Street that there is retail space on Second Street. There are three street trees on Second Street, which would be protected in place. The developer would be required to add more street trees as well as landscaping throughout the parking lot and rear yard area.

The formation of a homeowners/commercial association for the two units and for the retail owner(s) and the creation of conditions, covenants, and restrictions (CC&R's) would be required to cover the maintenance of the parking area and all landscaping.

The General Plan designation for the property is Retail and Office Commercial (ROC), where mixed retail and office uses are encouraged. The property is located in a Central City-Commercial (CC-C) Zoning District, which allows residential dwelling units as a primary use when located above a first floor commercial use. The Downtown Design Plan allows residential densities up to 65 units per acre. The proposal for two units on the 9,755 square foot lot would have a density of approximately 8.9 units per acre. No parcel map is required as part of the application, since as any condominium project with four or fewer units is exempt from City subdivision requirements.

Although the Downtown Design Plan recommends a 4-foot setback along street frontages in this area, the mixed-use building is proposed with no setback from the Second Street and B Street property lines. In staff's opinion, the building would continue an established and desired street pattern along B Street where pedestrian activity is encouraged. Although the building would have no setback, the building has considerable relief along the property lines. The building would have storefront windows setback 1 foot and the entry on Second Street would be setback 3 feet from the property line. The windows and doors near the street corner would be setback 4 to 6 feet from the property line. Furthermore, the exception could be supported because development of the property is constrained by its small size (9,755 square feet) and narrow width (less than 50 feet) and because locating the building closer to Second Street would minimize impacts to the church. The exception was approved by the Planning Commission for this project in September 2004 and in December 2003 for the previous proposal for this site. Also, in June 2003, the Commission approved a similar exception for a commercial building on Main Street at Hotel Avenue.

The church commented on previous applications that the building proposed was too tall. The applicant submitted a diagram (Attachment F) showing that the height of the proposed building would not be out of scale relative to the surrounding buildings. Across the street, on the northwest and northeast corners of B Street and Second Street, are one and two-story commercial buildings with retail and office uses. On the southeast corner is a three-story apartment building. Adjacent to the site to the west is the First United Methodist Church and to the south is a single-family residence. The proposed building would be 26 feet, 6 inches tall. The proposed building would be approximately 6 inches lower than the nearest peak of the church roof and approximately 14 feet lower than the church's tallest roof peak. The church has also raised concerns that the proposal would block light and air to the church building. The applicant's photo-simulation (Attachment G) and the site plan show that there would be substantial space between the proposed building and the church building. There is no requirement for any setback along the common property line.

Parking & Transportation

Each residential condominium would have a tandem two-car garage, which more than satisfies the minimum requirement of one and one-half parking spaces per unit. The project is located

within the Central Parking District where the Planning Director may permit tandem parking when both spaces are assigned to the same dwelling unit and are enclosed within a garage. There have been numerous other projects approved downtown with tandem parking. Seven parking spaces are required for the 2,100-square-foot retail area and five open parking spaces are proposed on site.

An additional three parking spaces are proposed on a vacant lot measuring 50 feet by 50 feet at 22645 Second Street. The City's Off-Street Parking Regulations allow parking spaces to be located on a separate parcel with the issuance of an Administrative Use Permit. The satellite parking lot would be approximately 200 feet from the retail spaces. Staff is recommending against the establishment of this auxiliary parking area because a better use of the vacant parcel would be to become part of a larger development when other adjacent parcels are redeveloped. There is one single-family residence located between the two proposed parking areas. The parcel containing the residence is too small to be redeveloped on its own and the lot proposed for use as a separate parking lot would be an ideal lot to merge with to create a more feasible commercial site. Development of the satellite lot could also impede other future development of the surrounding properties. If the remote parking lot is developed and the land was later needed for a future project, the developer would have to agree to pay the current in-lieu fee in effect at that time. Furthermore, there is sufficient public parking at Municipal Parking Lot No. 4 within walking distance (200 feet) of the project.

Another reason the administrative use permit is not supported by staff is that two variances would be necessary to develop the parking lot. First, a variance would be required to locate the driveway of the lot 2 feet, 6 inches from the rear property line where 5 feet is required. A variance is also required to allow 18-foot deep parking spaces where 19 feet is required. There are no special circumstances about the property that justify the variances.

Staff recommends that the developer pay parking fees in lieu of the remote parking lot. In 2003, the applicant prepared a parking analysis documenting that there would be sufficient parking in the area. The site is a good downtown location for retail space on B Street and could accommodate a more intense development. Due to the size and shape of the property, the project cannot provide all the required parking. This is the type of location and property for which the parking in-lieu payment program was established.

There is a bus stop located directly across Second Street, which is served by AC Transit bus route numbers 80, 92, 94 and 95, all of which serve the Hayward BART station. Route 92 also serves California State University. The project site is also within walking distance, approximately one-half mile, from the Hayward BART station.

ENVIRONMENTAL REVIEW

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15332, *In-Fill Development Projects* and 15305, *Minor Alterations in Land Use Limitations*.

PUBLIC NOTICE

On January 13, 2006, an Official Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Chamber of Commerce, the Downtown Business Improvement Advisory Board, the Hayward Area Planning Association and the Upper "B" Street Neighborhood Task Force.

A letter was received from the First United Methodist Church raising the concerns noted below. Staff's response follows each comment:

- "The current plans still do not address the issue of access to our back gate. We use this gate on a very regular basis and there is no other access for vehicles to enter the rear of our property."

The project is not designed with access to the gate, which the church has used in the past to access a storage room at the rear of the building and for repair trucks to service the church's furnace and water heater equipment. The church does not have an easement to guarantee access through the applicant's property. The church could explore other options to create vehicular access to their rear yard, via properties to the south or west, although the church has constructed a wooden fence along those property lines. There is pedestrian access to the rear of the church property provided by a courtyard which has an entrance on B Street.

- "The lighted signage located on the northeast corner of our building would have to be relocated. Any change in the signage would come at a financial cost to the church and would decrease our visibility to the community."

While it is acknowledged that the proposed building would block the signage from view, the church has sufficient signage on B Street that would still be visible. Although the sign was installed with permits (in two parts – in 1990 and 1994), it is nonconforming as the Sign Ordinance only allows signs with frontage to a street, parking lot or other public space.

- "We are grateful that Phase I and Phase II environmental studies were carried out and we support the recommendation that the underground tanks and potentially harmful materials be removed prior to any construction on the site. We require assurances that any such removal would be done in a safe manner that would not impair the health of our members."

There may be underground equipment on the site left by the former Kelly Gasoline Station, which closed sometime between 1959 and 1969. Phase 1 and Phase 2 reports have been prepared and reviewed by the Hazardous Materials Division of the Hayward Fire Department. It has been made a condition of approval that any structures remaining underground shall be removed to the satisfaction of the Hayward Fire Department prior to construction.

- “Adequate parking remains a serious issue. While studies conducted by the City may show that there is available parking in the area on a normal weekday, our experience has been that parking for special events, such as last year’s 150th Anniversary Celebration, is severely inadequate without the space provided by the current lot.”

For a period of time, the church paid the property owner for the right to park two cars on the subject property on a month-to-month agreement. This agreement is no longer in effect. The professional parking analysis submitted in 2003 surveyed nearby parking areas during weekday and weekend time periods and indicated that the loss of the two parking spaces could easily be absorbed by other parking facilities in the area. It would not be unusual under any circumstance for parking to be impacted during special events.

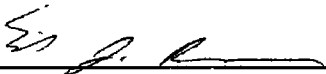
Three additional letters were received from other neighbors who addressed the issues of parking and vacancies of commercial space downtown. As noted above, it is staff’s opinion that the project would provide sufficient parking.

On April 3, 2006, a Notice of Public Hearing for the Planning Commission meeting was mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION


The proposed project is consistent with the City’s Design Guidelines and Downtown Design Plan. The proposal would create an attractive, mixed-use project that would improve the appearance of this corner lot and bring needed housing to downtown. Staff recommends that the Planning Commission approve the proposal.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

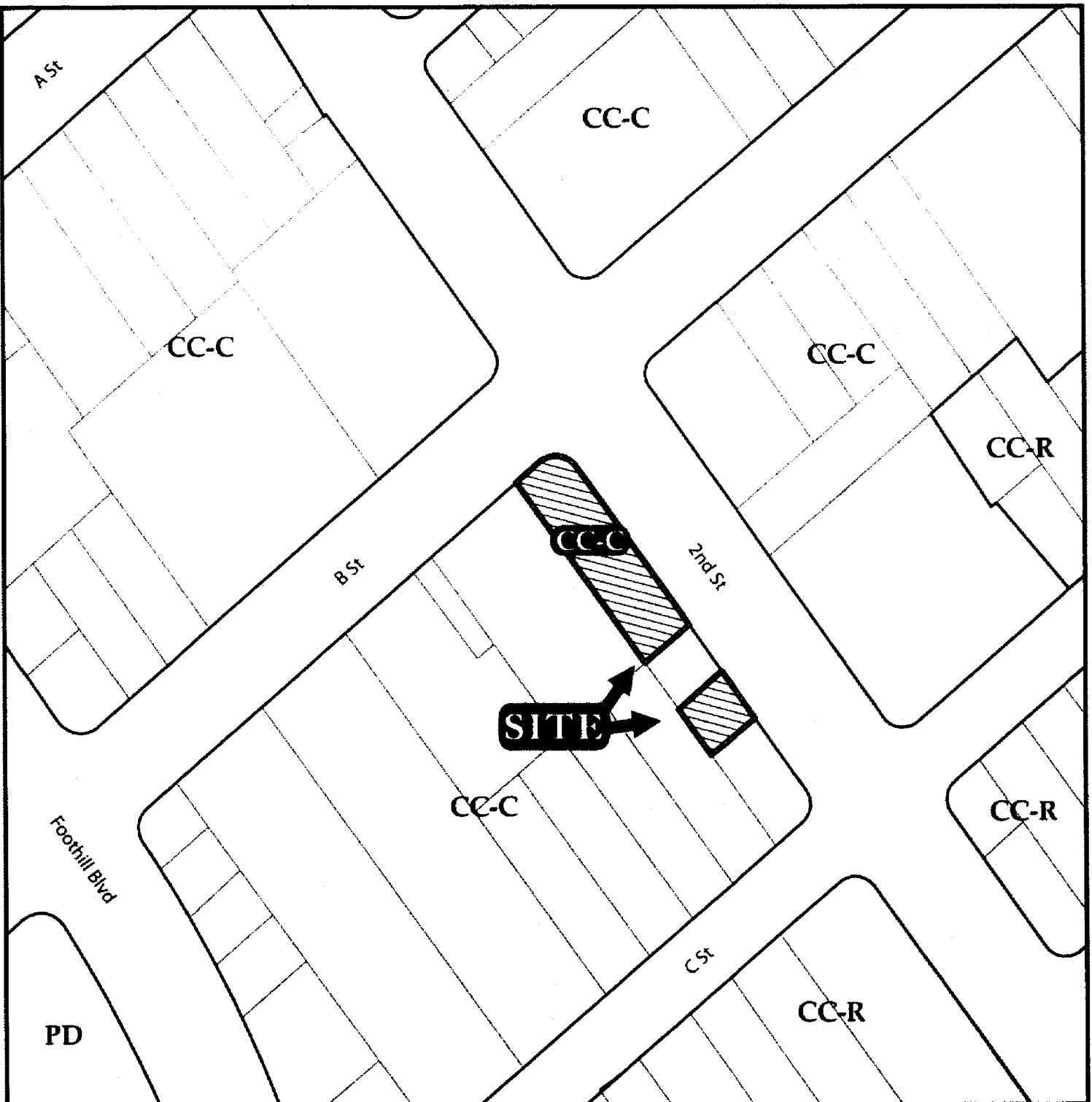
Recommended by:



Richard E. Patenaude, AICP
Principal Planner

Attachments:

- A. Area & Zoning Map
- B. Findings for Approval of Site Plan Review
- C. Findings for Denial of Administrative Use Permit and Variance Applications
- D. Conditions of Approval for Site Plan Review Application
- E. Letters from Neighbors
- F. Height Diagram
- G. Photosimulation
Plans



Area & Zoning Map

PL-2006-0003 AUP

PL-2006-0097, PL-2006-0098

Address: 22605 + 22645 2nd Street

Applicant: Dharam Salwan

Owner: Dharam Salwan

Zoning Classifications

CENTRAL CITY

CC-C Central City - Commercial

CC-R Central City - Residential

OTHER

PD Planned Development



**CITY OF HAYWARD
PLANNING DIVISION
SITE PLAN REVIEW APPROVAL**

April 13, 2006

Site Plan Review No. PL-2006-0003: Request to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums – Dr. Dharam Salwan (Applicant/Owner)

The property is located at 22605 Second Street, at the corner of B Street, in a Central City-Commercial (CC-C) Zoning District

Findings for Approval:

- A. That approval of Site Plan Review Application No. PL-2006-0003, to allow the construction of a mixed use building in the Central City-Commercial District is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (In-Fill Development Projects).
- B. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the proposal continues the storefront street pattern existing along B Street.
- C. The development takes into consideration physical and environmental constraints in that the building is well designed given the size and shape of the parcel and that any underground equipment and/or hazardous materials will be required to be disposed of to the satisfaction of the Hayward Fire Department.
- D. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines and the Downtown Design Plan in that the building will provide both commercial space and residential units, which will add to the vitality of the downtown.
- E. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that retail and residential use of the property is expected to have few if any external impacts. There is sufficient parking in the area to absorb any parking demand exceeding that which will be accommodated on-site.

**CITY OF HAYWARD
PLANNING DIVISION
ADMINISTRATIVE USE PERMIT & VARIANCE
FINDINGS FOR DENIAL**

April 13, 2006

Administrative Use Permit No. PL-2006-0097 & Variance No. PL-2006-0098: Request for a Remote Parking Lot – Dr. Dharam Salwan (Applicant/Owner)

The property is located at 22645 Second Street, in a Central City-Commercial (CC-C) Zoning District

California Environmental Quality Act

- A. Administrative Use Permit Application No. PL-2006-0097 and Variance Application No. PL-2006-0098, to allow the construction of a parking lot in the Central City-Commercial District is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15305 (Minor Alterations in Land Use Limitations).

Administrative Use Permit

- B. The adjacent or nearby properties would be adversely affected relative to parking in that the development of a parking lot would prevent the area from being developed to its fullest potential.
- C. The proposed traffic circulation would be detrimental to the health, safety, and welfare of residents residing or working in or adjacent to the parking in that the adjacent single-family residence would have parking lots generating noise on each side of the house.

Variances

- D. There are no special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints.
- E. Strict application of the Zoning Ordinance would not deprive such property of privileges enjoyed by other property in the vicinity under the same zoning classification in that there are no other similar parking lots approved with variances.
- F. The variances would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The subject lot and other small lots in the area are encouraged to be combined with other parcels to make them more suitable for commercial development.

**CITY OF HAYWARD
PLANNING DIVISION
SITE PLAN REVIEW APPROVAL**

April 13, 2006

Site Plan Review No. PL-2006-0003: Request to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums – Dr. Dharam Salwan (Applicant/Owner)

The property is located at 22605 Second Street, at the corner of B Street, in a Central City-Commercial (CC-C) Zoning District

CONDITIONS OF APPROVAL:

1. Site Plan Review Application No. PL-2006-0003 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review approval.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
5. Prior to application for a Building Permit, the following changes shall be made to the plans:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b) Show that an exterior hose bib will be provided in the rear yard area.
 - c) The plans shall show that pavement at the driveway entry will be enhanced by the use of decorative pavement materials such as colored, stamped concrete

(bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.

- d) Mailboxes shall be included on the plans and should be integrated into the building.
- e) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of the building.
- f) Grading and improvement plans shall be submitted for approval by the Planning Director.
- g) Plans shall show that all utilities will be installed underground.
- h) A decorative cap shall be added to the tops of the columns on all elevations.
- i) The door facing B Street providing access to the rear yard shall be a wooden material to be approved by the Planning Director.
- j) Show that laundry facilities for the residential units are included on the floor plans.
- k) The elevations plans shall show that awnings will be installed over the windows.

6. Prior to issuance of a Building Permit:

- (a) Documentation including, but not limited to Covenants, Codes and Restrictions shall be recorded to establish the living units and the retail space(s) as condominiums.
- (b) Any underground structures remaining from the former service station must be removed to the satisfaction of the Hayward Fire Department and final approval of the Phase 1 and Phase 2 reports shall be obtained. The applicant may contact Hugh Murphy, Hazardous Materials Coordinator, at (510)-583-4924 for additional information.
- (c) Submit and obtain approval for a sign program for the identification of the retail tenants. The sign program shall include details for projecting signs.
- (d) The developer shall submit a soils investigation report to the satisfaction of the City Engineer.
- (e) The developer shall make payment to the City of in-lieu parking fees (\$33,395 per space) for each parking space the project is deficient.

7. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work shall be done on Sundays or national holidays.

8. The applicant or homeowners/commercial association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures,

drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.

9. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
10. Any satellite dishes shall be located as near as possible to the center of the roof to limit visibility from the ground.
11. The garage of each unit shall be maintained for parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors. This requirement shall be incorporated into the CC&Rs.
12. The open parking spaces shall not be used by residents of the condominiums nor commercial tenant employees during hours that the retail businesses are open. The residents shall not use the open parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These spaces shall be monitored by the homeowners/commercial association. The homeowners/commercial association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.
13. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
14. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for reading must be provided to meters.
15. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
16. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work shall be done on Sundays or national holidays.
17. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

Landscaping:

18. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
19. The City Landscape Maintenance Manager and/or the City Landscape Architect shall evaluate the existing street trees' health and condition to determine whether the trees

should be preserved or removed and replaced by the developer. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. Chain link fencing shall be installed to protect the trees located on the parcel to the south (22639 Second Street). A tree removal permit is required prior to the removal of any tree. A minimum of one 24-inch-box tree shall be required to replace any tree removed or damaged, as determined by the City Landscape Architect.

20. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the most current City Standard Detail SD-122.
21. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb. All areas not required for driveway and parking should be landscaped
22. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
23. Parking lots shall include one 15-gallon tree for every six parking stalls and an endcap tree on each end of each row of parking. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. All tree wells, islands and medians shall be a minimum of 5-foot-wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, or masonry walls, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30-inch high hedge within two years. This measurement shall be from the top of curb.
24. A landscape buffer including shrubs and one 15-gallon evergreen tree for every 20 lineal feet of property line shall be planted to screen this use from the south and west sides.
25. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space area.
26. All street trees shall have grates installed to the satisfaction of the City Engineer and the City Landscape Architect.
27. Park Dedication In-Lieu Fees are required for each new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.
28. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

29. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

Engineering:

30. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants to the maximum extent practicable. It is highly recommended that a grassy swale be installed to intercept the surface runoff. If there is insufficient area for the grassy swale, concrete pavers can be used as an alternative in the parking area.
31. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3.d of the ACCWP NPDES permit (page 22). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook, New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled "BMP Design Criteria for Flow and Volume." This should be available on their website at www.cabmphandbooks.com.
32. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete the Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
33. The owner shall prepare a Storm Water Treatment Measures Maintenance Agreement (available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
34. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer.
35. The storm drain system shall be private. All on-site storm drain inlets shall be labeled with "No Dumping – Drains to Bay" or equivalent, using methods approved by the City.
36. The Developer's Engineer shall provide hydraulic calculations sufficient to analyze downstream impact. The storm drain system shall be reviewed and approved by the ACFC & WCD.
37. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance" or the equivalent.
38. Standard street lights shall be installed along the property frontage.
39. The proposed driveway flare shall be at least 5 feet away from the existing street tree (20 inches in diameter).
40. The existing driveway along "B" Street shall be removed and replaced with standard curb, gutter and sidewalk.

41. The existing curb and gutter along Second Street (42 feet +/-) that is lifted by the existing tree shall be removed and replaced.
42. All "No Parking" signs and street lights that interfere with the proposed improvements shall be relocated as directed by the City Traffic Engineer.
43. Any broken sidewalk along the property frontage that creates a tripping hazard shall be removed and replaced.
44. Area drains shall be installed in the parking area to avoid surface runoff from flowing across the sidewalk and/or driveway areas.
45. Show on the plan the proposed location of the sanitary sewer laterals and water services. The minimum separation between sanitary sewer lateral and water service shall be 6 feet. Each residential unit is required to have a separate sewer lateral and water meter.
46. An Encroachment Permit shall be required prior to the start of any work within the public right-of-way. Improvement plans shall be reviewed and approved by the City Engineer and all improvements shall be designed to conform to the City Standard Plans.

Fire Department:

47. The structure will be required to have an automatic fire sprinkler system installed throughout the building, including the parking garage, as per NFPA 13 Standards.
48. Buildings constructed without a known tenant shall have a fire sprinkler system installed having a minimum density of .33 gpm over the most remote 3,750 square feet, or, as required per NFPA 13 Standards.
49. A dedicated underground fire service line shall be installed per NFPA 24 Standards.
50. The fire sprinkler systems' Fire Department Connection (FDC) and Post Indicator Valve (PIV) shall be installed in a location approved by the Fire Department.
51. An interior fire sprinkler flow (audible) alarm device shall be installed within each tenant space (ground level) and within each residential unit (2nd floor).
52. An exterior fire sprinkler local alarm bell shall be installed on the fire sprinkler riser and shall be in a location approved by the Fire Department.
53. Interior single-station residential smoke detectors shall be installed within each residential unit as required by the California Building Code (CBC).
54. Central station monitoring shall be required for the fire sprinkler system.
55. Individual retail tenant spaces shall have a manual pull station installed within each tenant space in a location approved by the Fire Department.
56. Portable fire extinguishers shall be installed throughout the building (retail space, garages and common areas). Fire extinguishers shall be placed in centrally located areas as required by the Fire Department. Fire extinguishers shall have a minimum rating of 2A:10BC or other rating (as required by the Fire Code) specific to the tenant use.
57. There shall be no use and/or storage of hazardous materials within any retail tenant space unless a review has been conducted by the Fire Department.

58. Tenant merchants who wish to conduct commercial cooking shall notify the Fire Department for review of and approval of cooking equipment and hood and duct fire extinguishing system(s).
59. Retail tenant spaces shall be restricted for their specific use (M occupancy or B occupancy). There shall be no hazardous operations (i.e., welding, flammable finishing, woodworking, etc.) allowed within the tenant spaces unless reviewed and approved by the Fire Department.
60. Building and tenant space addressing shall meet Fire Department standards.
61. Fire permits shall be obtained for the installation of any fire protection and life safety systems required for this development.

Solid Waste & Recycling:

62. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
63. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

Utilities:

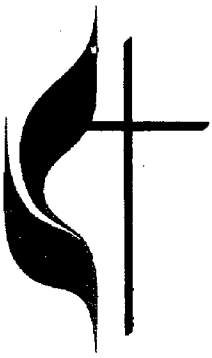
64. A reduced pressure backflow prevention assembly shall be installed as per City of Hayward Standard Detail 202 on all commercial, domestic and irrigation water meters.
65. Installation of separate water meters is recommended to avoid sewer charges for irrigation consumption and to avoid commercial sewer rates for the residential units.
66. Show gallon per minute demand on plans to determine proper meter sizes for commercial, residential and irrigation water use.
67. Show on plans the location of proposed water meters. Water meters are to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code.
68. Each residential condominium must have an individual water meter and sanitary sewer lateral.
69. Each retail space must have an individual water meter.
70. Water and sewer service is available subject to standard conditions and fees in effect at time of application.
71. Prior to discharge, additional sewer system capacity to accommodate the volume and waste strength of wastewater to be discharged from the site must be purchased at the rates in effect at the time of purchase.
72. The developer shall install a mechanical device to control fat, oil and grease discharge from any food service establishment, unless this requirement is expressly waived by the Director of Public Works or designee. The type, size, and location of the device shall be approved by the Director of Public Works.

73. Add following notes to plans:

- (a) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
- (b) Only water distribution personnel shall perform operation of valves on the Hayward Water System.

General:

74. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.



First United Methodist Church

1183 B STREET • HAYWARD, CALIFORNIA 94541

TELEPHONE (510) 581-2266

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RECEIVED

JAN 24 2006

JAN 24 2006

PLANNING DIVISION

PLANNING DIVISION

January 23, 2006

Erik J. Pearson, AICP
Planning Division
City of Hayward
777 "B" Street
Hayward, CA 94541-5007

Dear Mr. Pearson:

Thank you for informing us of the re-application for a building proposal by Salwan Property Management for "mixed-use" at 22603 - 2nd Street (Reference number PL-2006-0003 SPR) On behalf of First United Methodist Church, I am again registering our continued objection to the project. As I understand that this proposal is substantially the same as that submitted by Salwan Property Management for the same property in 2004, our objections remain much the same.

Any building on this site will mean that many of our ministries will be seriously hampered or impossible to continue. We have been in ministry, serving the needs of the people of Hayward and the cause of Christ since 1853. We have been in our current location since 1866. We believe that our ministries are of benefit to the entire community of Hayward, and their disruption would have a detrimental effect on the city as a whole.

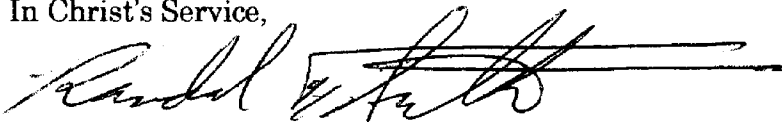
While we appreciate that some of the concerns we have raised over the past five (5) years have been addressed, we still have certain objections to the specific plans. These include:

1. The current plans still do not address the issue of access to our back gate. We use this gate on a very regular basis and there is no other access for vehicles to enter the rear of our property. At the Planning Commission meeting on September 9, 2004, the property owner offered to provide us with pedestrian access to this gate. Pedestrian access is already available from our "B" Street entrance. What is required is vehicular access.

2. The lighted signage located on the northeast corner of our building would have to be relocated. Any change in the signage would come at a financial cost to the church and would decrease our visibility to the community.
3. We are grateful that Phase I and Phase II environmental studies were carried out and we support the recommendation that the underground tanks and potentially harmful materials be removed prior to any construction on the site. We require assurances that any such removal would be done in a safe manner that would not impair the health of our members.
4. Adequate parking remains a serious issue. While studies conducted by the City may show that there is available parking in the area on a normal weekday, our experience has been that parking for special events, such as our 150th Anniversary Celebration in 2003, is severely inadequate without the space provided by the current lot. Recently, a Saturday evening event at the I.D.E.S Hall filled the parking spaces in the surrounding neighborhood, including all spaces in Municipal Parking Lot No. 4, making it difficult for some of our members attending a Choir rehearsal to find parking. Some persons who are handicapped or pregnant have found the walking distance from Lot No. 4 to be uncomfortable.

I look forward to our further conversations on this matter and an opportunity to address the Planning Commission with these concerns.

In Christ's Service,

A handwritten signature in black ink, appearing to read "Randal F. Smith", followed by a long horizontal line.

Rev. Randal F. Smith
Pastor

Erik Pearson

From: smcopiers@aol.com
Sent: Friday, January 20, 2006 10:27 AM
To: Erik Pearson
Subject: PL-2006-0003SPR Dharam Salwan

Dear Mr. Pearson

We operate a business at 1169 B Street, S.M. Copiers, Inc. We have concerns regarding the parking plans for the above project. The parking is already extremely congested on this section of B Street. There are five businesses; dry cleaner, restaurant, beauty salon, copier business and a church located in close proximity, we must all share the very limited street parking. If this project doesn't include off street parking we fear that the situation will become unbearable for the existing businesses. We need street parking available in front of our business as customers bring copiers and other office equipment to our store for repair and they are unable to walk long distances carrying this equipment.

Please take into consideration the above concerns when reviewing this application.

Thank you.

Evelyn J. Burden, VP
S.M. Copiers, Inc.
510-582-4522

RECEIVED

JAN 24 2006

PLANNING DIVISION

January 18, 2006

Erik J. Pearson
Planning Division
777 "B" Street
Hayward, CA 94541-5007

Dear Sir:

I received your notice regarding the request to allow a two-level mixed-use building at 22605 Second Street.

I am concerned that such a building project will cause congestion in this area and around my residence.

There is also limited parking on Second and B Street.

I do want to see another unoccupied building in the downtown Hayward area subject to vandalism.

It is my preference that it remain a parking lot without any structures on it.

Sincerely,

Cecilia L. Van Houten

Cecilia L Van Houten/emo

22639 Second Street

Hayward, CA 94541

*Also the trees on 2nd St
need care - ones dead and
3 other three have cracked
the sidewalk badly !!*

RECEIVED

01-19-2006

JAN 20 2006

PLANNING DIVISION

LUPE COMPEAU
936 HARRIET AVE.
CAMPBELL, CA. 95008

COPY

MR EREK J PEARSON
PROJECT PLANNER,

I AM WRITING IN RESPONSE TO YOUR NOTIFICATION
OF PUBLIC HEARING ON JANUARY 24, 2006.
APPROVAL OF SITE PLAN REVIEW PL-296-00351
THE LACK OF ADEQUATE PARKING FOR THE
BUILDING WILL HAVE A NEGATIVE IMPACT
ON MY BUILDING AND PARKING.

THE PARKING SURVEYS DONE PREVIOUSLY
DO NOT TAKE INTO ACCOUNT ANY
FUTURE CHANGES IN TENANCY FOR
THE SURROUNDING BUILDINGS
OR INCREASED TRAFFIC CAUSED
BY ANY CHANGES OF TENANCY.

AS A BUILDING OWNER AND
TAXPAYER IN THE CITY OF HAYWARD
I WOULD LIKE TO ONCE AGAIN EXPRESS
MY POSITION AGAINST THIS PROPOSAL.

THANK YOU FOR TAKING THE TIME
TO TAKE NOTICE OF MY CONCERNS.

REGARDS,

Lupe Compeau
22551 (CORNER OF SECOND AND "B" ST)
HAYWARD CA. 94541

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 06-

Introduced by _____

RESOLUTION DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT PL-2006-0003

WHEREAS, in 2001, Dr. Dharam Salwan (applicant/owner) proposed a two-story, 9,700-square-foot commercial project located at 22605 Second Street at the southwest corner of B Street, which the Planning Commission voted to postpone to allow for preparation of a parking study; and

WHEREAS, in November 2002 a new application for an 8,812-square-foot building with 2,500 square feet of retail space on the ground floor and three residential condominiums on the second floor was submitted by the applicant, approved by the Planning Commission, and subsequently appealed by the adjacent First United Methodist Church; and

WHEREAS, in May 2004, a new application for a 6,600-square-foot building with 2,100 square feet of retail space on the ground floor and two residential condominiums on the second floor, which was conditionally approved by the Planning Commission in September 2004; and

WHEREAS, an extension was not timely filed and the approved plans expired on September 20, 2005; and

WHEREAS, on January 5, 2006, a new application for the same project that was originally approved in 2004 was submitted, and approved by the Planning Commission on April 13, 2006; and

WHEREAS, on April 21, 2006, the First United Methodist Church filed an appeal of the Planning Commission's action which was denied 5-1-0; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines:

1. That approval of Site plan Review Application No. PL-2006-0003, to allow the construction of a mixed use building in the Central City-Commercial District is exempt from the provisions of the California Environmental Quality Act pursuant to Sections 15332 (In-Fill Development Projects).

2. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the proposal continues the storefront street pattern existing along B Street.
3. The development takes into consideration physical and environmental constraints in that the building is well designed given the size and shape of the parcel and that any underground equipment and/or hazardous materials will be required to be disposed of to the satisfaction of the Hayward Fire Department.
4. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines and the Downtown Design Plan in that the building will provide both commercial space and residential units, which will add to the vitality of the downtown.
5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that retail and residential use of the property is expected to have few if any external impacts. There is sufficient parking in the area to absorb any parking demand exceeding that which will be accommodated on-site.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the appeal of the Planning Commission's approval of Use Permit Application No. PL-2006-0003, is hereby denied, and the Planning Commission's approval of Site Plan Review No. PL-2006-0003 is upheld subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2006

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**

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PROJECT DIRECTORY	PROJECT DATA																	
OWNER DR. DHARAM SALWAN 1151 'A' STREET HAYWARD, CALIFORNIA 94541 PHONE: (510) 888-8546 FAX: (510) 888-8543 ARCHITECT BKBC ARCHITECTS INC. 1371 OAKLAND BLVD. SUITE 101 WALNUT CREEK, CA 94596 CONTACT: DEEPAK PATANKAR PHONE: (925) 930-9700 FAX: (925) 930-9989 WWW.BKBCARCH.COM DPP@BKBCARCH.COM SURVEYOR & CIVIL ENGINEERING LEA & SUNG ENGINEERING INC. 2495 INDUSTRIAL PARKWAY WEST HAYWARD, CA 94545 CONTACT: JIM TOBY PHONE: (510) 887-4066 FAX: (510) 887-3019 CITY OF HAYWARD CITY OF HAYWARD DEPT. OF COMM. & ECON. DEVL. 777 B STREET HAYWARD, CA 94541 PHONE: (510) 583-4140 FAX: (510) 583-3642	TOTAL LOT AREA 9,755.4 SF CONSTRUCTION TYPE/USE TYPE V NON RATED BUILDING AREA <table border="1"> <thead> <tr> <th></th> <th>UNITS</th> <th>RETAIL</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>LOWER LEVEL</td> <td>1,280 SF*</td> <td>2,100 SF</td> <td>3,380 SF</td> </tr> <tr> <td>UPPER LEVEL</td> <td>3,270 SF</td> <td>0 SF</td> <td>3,270 SF</td> </tr> <tr> <td>TOTAL</td> <td>4,550 SF</td> <td>2,100 SF</td> <td>6,650 SF</td> </tr> </tbody> </table> GARAGE: HABITABLE (incl. balcony) UNIT ONE 480 + 1,640 SF = 2,120 SF on 2 levels UNIT TWO 520 + 1,820 SF = 2,340 SF on 2 levels * LOWER LEVEL AREA FOR UNITS INCLUDES 1,000 SF OF GARAGE AREA AND 280 SF FOR THE STAIRS TO UNITS ABOVE LOT COVERAGE 3,380 SF (Bldg. footprint) = 34.5% PARKING PROVIDED RESIDENTIAL - 4 SPACES (2 TWO-CAR GARAGES, ONE GARAGE PER UNIT) RETAIL - 8 SPACES (3 SPACES AT 22645 2nd STREET) PRIVATE OPEN SPACE GROUP OPEN SPACE REQUIRED PER UNIT = 60 SF REQUIRED @ 100 SF/UNIT = 300 SF PROVIDED UNIT 1 = 64 SF PROVIDED = 2,967 SF UNIT 2 = 64 SF		UNITS	RETAIL	TOTAL	LOWER LEVEL	1,280 SF*	2,100 SF	3,380 SF	UPPER LEVEL	3,270 SF	0 SF	3,270 SF	TOTAL	4,550 SF	2,100 SF	6,650 SF	REFUSE REQUIREMENTS CONTAINER CAPACITIES AND DIMENSIONS UNITS PROVIDE STANDARD SERVICE FOR SINGLE FAMILY DWELLINGS IN THE GARAGE SPACE. REFUSE: ONE 32 GALLON CART RECYCLING, TWO 18 GALLON BINS. RETAIL AREA # OF EMPLOYEES X GAL. OF REFUSE GENERATED PER EMPLOYEE PER WEEK = MINIMUM COMMERCIAL DUMPSTER SIZE. THE REQUIRED CAPACITY = 4 X 25 = 100 GAL. APPROX. PROVIDED: ONE 96 GALLON CONTAINER WHICH IS 36"X28"X45" (L X W X H) FOR RECYCLABLES PROVIDE TWO 64 GAL. CAPACITY CONTAINERS THESE CONTAINERS ARE TO BE PROVIDED IN A SEPARATE AREA AS INDICATED ON THE SITE PLAN
	UNITS	RETAIL	TOTAL															
LOWER LEVEL	1,280 SF*	2,100 SF	3,380 SF															
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TOTAL	4,550 SF	2,100 SF	6,650 SF															

B STREET MIXED USE HAYWARD, CALIFORNIA

DESIGN SET

SHEET INDEX

- A.1 ROOF PLAN/COVER SHEET
- A.2 PLANS
- A.3 ELEVATIONS
- A.4 RENDERINGS (11x17)
- A.5 RENDERINGS (11x17)

RENDERING

RECEIVED

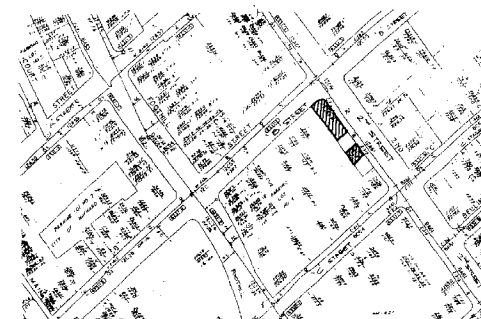
JAN 11 2006

PLANNING DIVISION

Project #
PL-2006-0003 SPR

PARCEL MAP

APN: 427-11-25



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 www.bkbcarch.com
 PHONE: (925) 930-9700 FAX: (925) 930-9989

B STREET MIXED USE
 22605 SECOND STREET, HAYWARD, CA
 OWNER: SALWAN PROPERTY MANAGEMENT & INVESTMENT
 22505 SECOND STREET, HAYWARD CA T. 510.886.8546

SEAL



ISSUES

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JUL 18 2004

PLANNING DIVISION

PROJECT NUMBER

D-01-02

DRAWN BY

CHECKED BY

DATE

JUL 18 2004

SCALE

AS NOTED

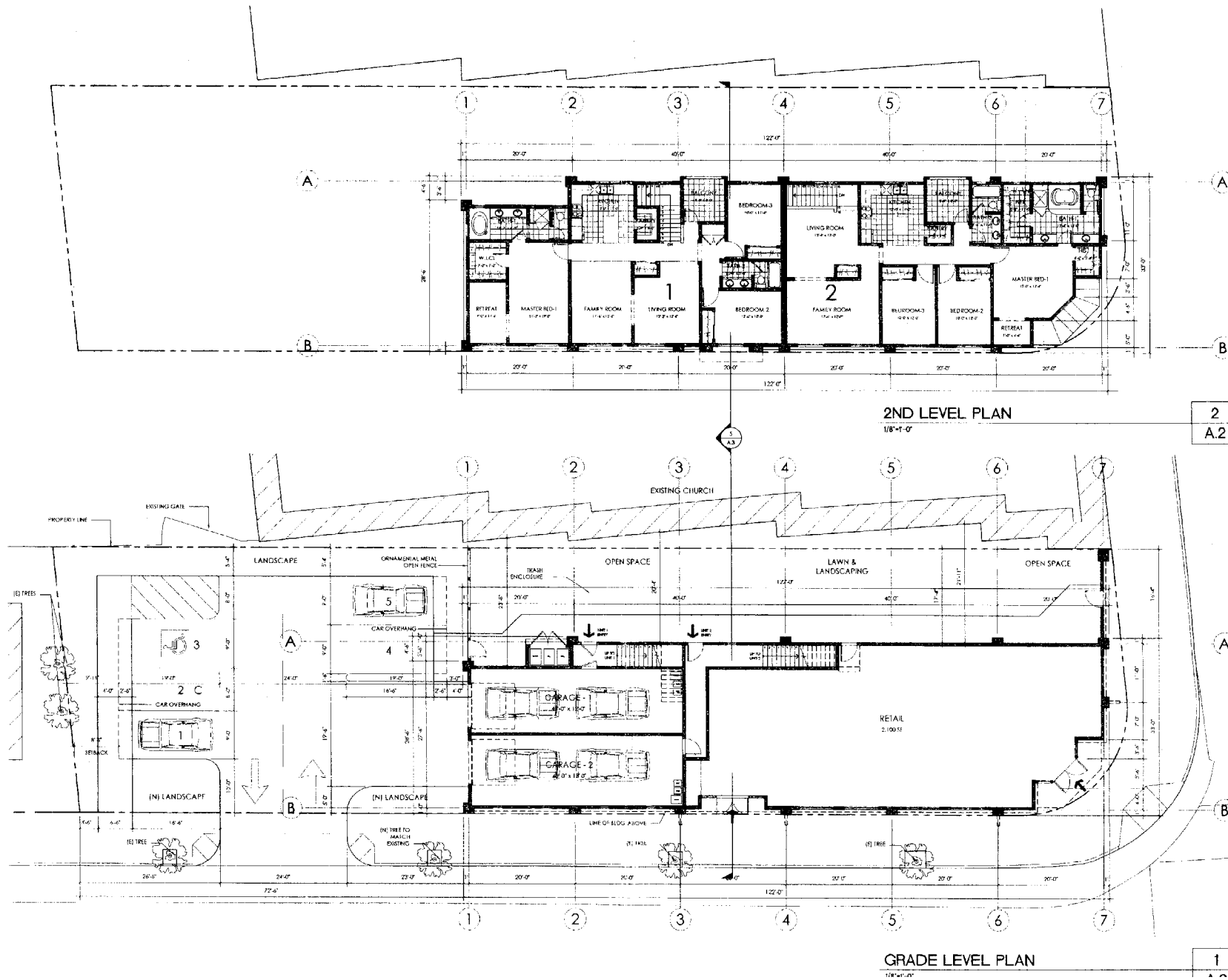
TITLE

COVER SHEET

DRAWING NO.

A.1

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22605 SECOND STREET, HAYWARD, CA
OWNER: SALWAN PROPERTY MANAGEMENT & INVESTMENT
22505 SECOND STREET, HAYWARD CA. T. 510.886.8546

SEAL
ISSUES
NORTH
PROJECT NUMBER
DRAWN BY
CHECKED BY
DATE
JULY 18, 2004
SCALE
1/8" = 1'-0"
TITLE
PLANS

DRAWING NO.
A 2

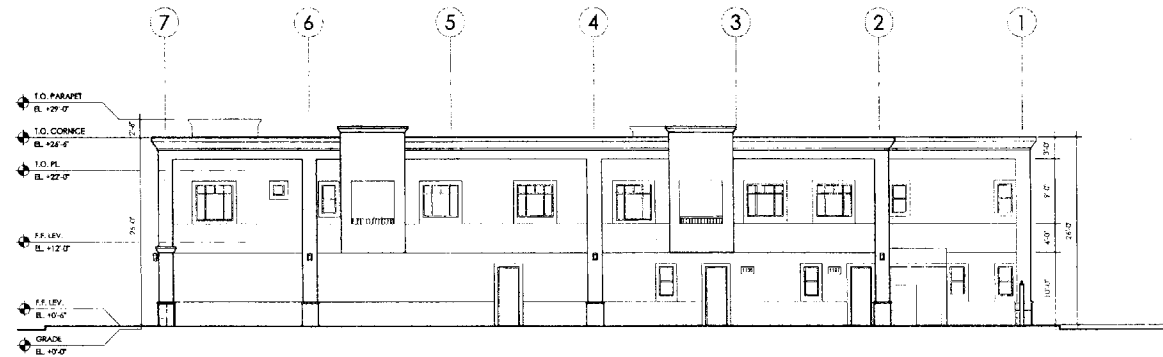
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NORTH-EAST ELEVATION (2nd-ST.)

1/8"=1'-0"

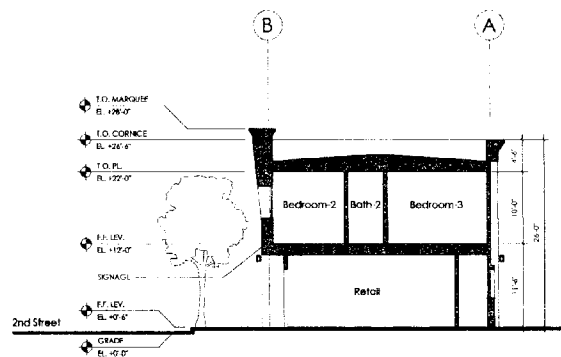
1
A.3



SOUTH-WEST ELEVATION

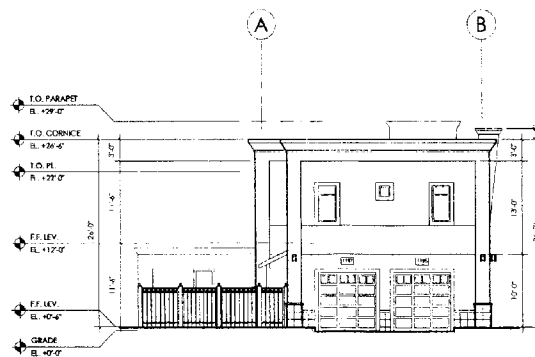
1/8"=1'-0"

2
A.3



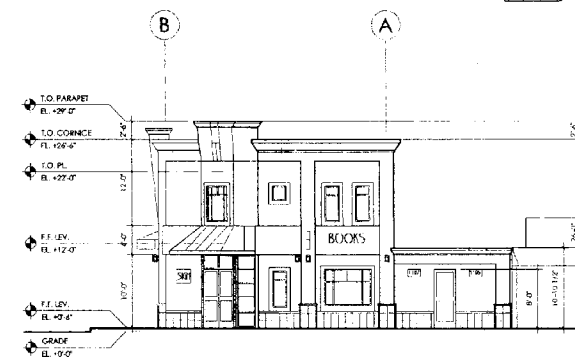
CROSS-SECTION

5



SOUTH-EAST ELEVATION

4



NORTH-WEST ELEVATION (B'-ST.)

3

BKBC ARCHITECTS INC
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OWNER: SALWAN PROPERTY MANAGEMENT & INVESTMENT
22505 SECOND STREET, HAYWARD CA T. 510.886.8546

SCALE:



SSUES:

DATE: JULY 18, 2004
SCALE: 1/8" = 1'-0"
TITLE: ELEVATIONS CROSS-SECTION

DRAWING NO.

A.3